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HOUSE FLOOR AMENDMENTS

2023 Regular Session

Amendments proposed by Representative Gregory Miller to Engrossed House Bill No. 537
by Representative Hodges

1 AMENDMENT NO. 1

2 On page 2, between lines 2 and 3, insert the following:

3 "(4) A person may conclusively rely upon an affidavit made by a person
4 intended to acquire or holding an interest in immovable property to the effect that the
5 person is neither a foreign adversary nor a person connected with a foreign
6 adversary, and the correctness of those facts may not be controverted against a
7 person relying on the affidavit, unless actual fraud by such person is proved. A
8 person who gives a false affidavit shall be responsible for any loss or damage
9 suffered by any person whose rights are adversely affected."

10 AMENDMENT NO. 2

11 On page 2, at the end of line 6, insert the following:

12 "The attorney general shall serve the petition for injunctive relief upon all
13 parties to the transaction."

14 AMENDMENT NO. 3

15 On page 2, line 7, after "transfer" and before "of" insert "or lease"

16 AMENDMENT NO. 4

17 On page 2, line 25, after "Section" and before the comma "," insert "and no later than one
18 business day after filing the action"

19 AMENDMENT NO. 5

20 On page 2, at the end of line 28, insert the following:

21 "The institution of the action and the recordation of the notice of pendency
22 of the action shall have no effect on persons obtaining rights in the immovable
23 property prior to the recordation of the petition. The attorney general shall cause the
24 notice of pendency of action to be cancelled from the mortgage records no later than
25 one business day after judgment is rendered or after a request for cancellation is
26 made by any interested party in connection with the transfer of the property to a
27 person other than a foreign adversary or person connected with a foreign adversary.
28 If the notice of pendency of action relates to a property interested vested in a foreign
29 adversary or person connected with a foreign adversary, the attorney general may
30 petition the court for an order requiring the proceeds of the sale attributable to the
31 property interest of the foreign adversary or person connected with a foreign
32 adversary after the deduction of payments to mortgagees, lienholders, person
33 providing services in connection with the transfer of the property, and credits to the
34 purchaser relating to tax and other customary prorations, be deposited in the registry
35 of the court in which the proceeding is pending."

1 AMENDMENT NO. 6

2 On page 3, line 10, after "the" and before "property" insert "foreign adversary's interest in
3 the"

4 AMENDMENT NO. 7

5 On page 3, line 10, after "to" and before "who" change "someone" to "a person"

6 AMENDMENT NO. 8

7 On page 3, line 12, after "the" and before "property" insert "foreign adversary or person
8 connected with a foreign adversary's interest in the"

9 AMENDMENT NO. 9

10 On page 3, between lines 15 and 16 insert the following:

11 "(c) Under Subparagraphs (a) and (b) of this Paragraph, the court shall order
12 that the price of the sale be not less than the sum of all of the following:

13 (i) Ad valorem taxes and other liens payable to a political subdivision of the
14 State which are due or past due and attributable to the property.

15 (ii) Indebtedness, including interests, penalties, attorney fees, court costs,
16 and other expenses, secured by a conventional mortgage on the property or any
17 portion of the property.

18 (iii) Indebtedness, including interest, penalties, attorney fees, and court costs,
19 secured by a judicial or legal mortgage on the property.

20 (iv) Indebtedness, including interest, penalties, attorney fees, and court costs,
21 secured by a lien or privilege on the property.

22 (v) Commissions due to a real estate broker or real estate agent.

23 (vi) Costs related to the perfection of the sale."
24

25 AMENDMENT NO. 10

26 On page 3, line 17, after "Section" and before the comma "," insert "and payment of all
27 persons providing services in connection with the transfer of the property, sheriff's fees, and
28 credits to the purchaser relating to tax and other customary prorations"

29 AMENDMENT NO. 11

30 On page 3, line 24, after "person" delete the remainder of the line and delete lines 25 and 26
31 in their entirety and insert the following:

32 "unless the attorney general proves beyond a reasonable doubt that the person
33 entered into the transaction with the foreign adversary or person connected with a
34 foreign adversary for the purpose of aiding such foreign adversary or person
35 connected with a foreign adversary in compromising the security of the United
36 States."

37 AMENDMENT NO. 12

38 On page 3, line 28, after "indivision" and before "shall" insert a comma "," and "lease,
39 servitude, usufruct, right of use, bond for deed, or other real right"

40 AMENDMENT NO. 13

41 On page 4, line 2, after "person" delete the remainder of the line and delete line 3 in its
42 entirety and insert the following:

1 "unless the attorney general proves beyond a reasonable doubt that the person
 2 entered into the transaction with the foreign adversary or person connected with a
 3 foreign adversary with the purpose of aiding such foreign adversary or person
 4 connected with a foreign adversary in compromising the security of the United
 5 States."

6 AMENDMENT NO. 14

7 On page 4, delete lines 4 through 10 in their entirety and insert the following:

8 "E. No attorney, title insurer, title insurance producer, title insurance agency
 9 producer, lender, notary public, real estate agent, real estate broker, seller, or lessor
 10 shall have a duty to make any investigation as to whether a party to a transaction
 11 involving immovable property is a foreign adversary, nor shall any such person be
 12 liable for failing to identify that a party to a transaction involving immovable
 13 property is a foreign adversary."

14 AMENDMENT NO. 15

15 On page 4, line 14, after "a" and before "after" change "lawful permanent resident" to
 16 "person"

17 AMENDMENT NO. 16

18 On page 4, between lines 20 and 21 insert the following:

19 "(3) A juridical person wholly owned by persons who qualify under
 20 Paragraphs (1) and (2) of this Subsection."

21 AMENDMENT NO. 17

22 On page 4, at the beginning of line 21, change "(3)" to "(4)"

23 AMENDMENT NO. 18

24 On page 4, line 22, after "a" and before "residential" delete "single family" and insert "one
 25 to four family"

26 AMENDMENT NO. 19

27 On page 4, line 28, after "Maduro" and before the period "." insert "and identified in the
 28 database maintained by the United States Department of Treasury, Office of Foreign Assets
 29 Control"

30 AMENDMENT NO. 20

31 On page 5, line 1, after "means" delete the remainder of the line and delete line 2 in its
 32 entirety and insert "the"

33 AMENDMENT NO. 21

34 Delete House Floor Amendment Nos. 15 through 18 by Representative Hodges (#3352)

35 AMENDMENT NO. 22

36 On page 5, at the beginning of line 3, delete "(a) A"

1 AMENDMENT NO. 23

2 On page 5, line 3, after "24," delete the remainder of the line and delete lines 4 through 10
3 in their entirety and insert the following:

4 "in which the foreign adversary has the power to direct or cause the direction of the
5 management or policies of the juridical person whether through ownership of
6 securities, by contract, or otherwise. A person or entity that directly or indirectly has
7 the right to vote fifty percent or more of the voting interests of an entity or is entitled
8 to fifty percent or more of its profits is presumed to have the power to direct or cause
9 the direction of the management or policies of the juridical person.

10 H. This Act shall apply only to property acquired by a foreign adversary or
11 person connected with a foreign adversary on or after August 1, 2023. If a foreign
12 adversary or person connected with a foreign adversary acquires immovable property
13 despite the prohibitions as provided in this Section, the property shall only be subject
14 to forfeiture during the period in which the prohibited foreign adversary or person
15 connected with a foreign adversary owns the property. Rights in immovable property
16 shall not be void or voidable because the property or right held in the property was
17 previously held by a prohibited foreign adversary or person connected with a foreign
18 adversary."